

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

IN RE: § CASE NO: 16-52882G  
Arturo Garcia §  
DEBTOR(S) § CHAPTER 13

DEBTOR'S OBJECTION TO THE TRUSTEE'S MOTION TO DISMISS CHAPTER 13  
CASE FOR FAILURE TO TURNOVER TAX RETURN AND/OR REFUND, AND  
DEBTOR'S REQUEST FOR HEARING

**TO THE HONORABLE BANKRUPTCY JUDGE:**

The Trustee moved to dismiss the Debtor's case for failure to produce a copy of the 2017 Federal Income Tax Return under 11 U.S.C. §521(f)(1) and L. Rule 3015(a). The Trustee also seeks turnover of the Debtor's 2017 tax refund. The Debtors objects to the motion and responds as follows:

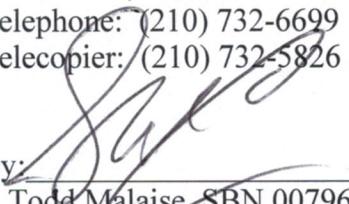
1. If the Debtor has a filing requirement, the Debtor will provide a copy of the 2017 income tax return before the hearing date; and
2. Dismissal of the case for failure to turnover a tax refund is not proper because it is not disposable income.

**PRAYER**

The Debtor asks the Court to deny the Trustee's motion, and the Debtor requests any relief to which Debtor may be entitled.

Respectfully submitted,

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**ATTORNEYS FOR DEBTOR**

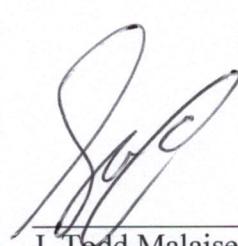
**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that, on June 1, 2018, service of a copy of the attached has been accomplished by **CM/ECF to Mary K. Viegelahn, Chapter 13 Trustee**, and by first class mail, postage paid, or hand delivered to the parties in interest listed below.

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San Antonio, TX 78240

5603 Staack Ave.  
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U.S. Trustee  
615 E. Houston St., Rm 533  
San Antonio, TX 78205

  
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David C. Werner  
Steven G. Cennamo  
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